IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1217 OF 2007
IN
SESSIONS CASE NO.3 OF 2007

Shri.Nitin Nandakishor Marathe. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.M.R.Suryawanshi, Adv for the Applicant.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 26th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.97 of 2006 of Shahuwadi Police Station. The said case is under Section 302 of IPC.

3. There is an eye witness to the incident who has stated that the applicant caught hold of the deceased while other accused has assaulted Ramesh (deceased) in the stomach with knife. Ramesh sustained six injuries in the incident and on

account of some of the injuries intestines came out. The eye witness has identified the present applicant in the TIP.

4. Mr.Suryawanshi submitted that it was not possible for the eye witness to identify the applicant, as the incident occurred at 6:30 p.m. in the field and hence there could not have been sufficient light for the witness to see the assailants. As the incident occurred at 6:30 p.m. in the beginning of the month of October, in my opinion, it would not have been so dark that the witness could not be able to identify the assailants.

5. The material on record clearly implicates the applicant. Hence, I do not think that this is a fit case to grant bail.

6. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)